

EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.

02-CV-3830

4 BOARHEAD FARM AGREEMENT Judge Legrome D. Davis
5 GROUP,

Plaintiff, Oral Deposition of:

6 vs.

Arthur T. Curley, Jr.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

18 * * * * *
19 Thursday, December 9, 2004
20 * * * * *

21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr Andrews & Ingersoll,
23 LLP, Plaza 1000, Main Street, Suite 500, Voorhees,
24 New Jersey, commencing at 10:00 a.m.

Certified Shorthand Reporting Services

Arranged Through

24 Mastroianni & Formaroli, Inc.

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<p style="text-align: right;">Page 106</p> <p>1 he was stationed at the plant for a while while he 2 was on projects. This was construction projects. 3 And he is retired down in Arizona and he'd be pretty 4 old, I'm not sure whether he's still alive right now. 5 Q. How about Robert Sterrett? 6 A. Yeah, he was head of the environmental 7 department in Columbus. 8 Q. Was this in the 1976 period? 9 A. I would think so, yes. 10 Q. Do you know if he's still living? 11 A. I don't. 12 Q. Was there a B. DeWalk as opposed to 13 Richard DeWalk, B as in boy? 14 A. No. 15 Q. Do you recall J. Goerke, G-o-e-r-k-e, 16 Goerke? 17 A. No. Rings a bell but – 18 Q. Okay. 19 A. – there's nothing there. 20 Q. How about W. Hall? 21 A. No. 22 Q. Charles Hendershot? 23 A. Yes, he was – worked in the shipping 24 department at Great Meadows. And at one point well 25 past this period he took over the shipping</p>	<p style="text-align: right;">Page 108</p> <p>1 already identified some individuals so if you want to 2 ask him anybody else – about waste streams, what 3 about them? 4 BY MS. MOONEY: 5 Q. Well, who would be most knowledgeable 6 about them generally? 7 MR. BIEDRZYCKI: But I think he said 8 there were different waste streams different 9 departments handled, different people would know. I 10 think he's already gone over that, the people. 11 THE WITNESS: Yeah, I was probably as 12 knowledge as anyone. 13 BY MS. MOONEY: 14 Q. Okay. 15 A. The lab, some of the streams, yes, they 16 would be aware of. 17 Q. The lab? 18 A. Grant Hughes. 19 Q. That we talked about already? 20 A. Yeah. 21 Q. I want to ask you some questions now 22 about Ashland's relationship with a company called 23 Advanced Environmental Technology which also went by 24 Envirotech. 25 Do you recall the first time you heard</p>
<p style="text-align: right;">Page 107</p> <p>1 department. 2 Q. Do you know if he's still alive? 3 A. I would think so because again he lives 4 locally. 5 Q. How about J.F. McGann, M-c-G-a-n-n? 6 A. No. 7 Q. H. Reich? 8 A. No. 9 Q. J. Young? 10 A. That's probably Jake Young. 11 Q. Oh, okay. Did I already say him? Did I 12 already say Jake Young? I think I already said him. 13 A. Yes. 14 MR. BIEDRZYCKI: You said S. Young, 15 Stewart. 16 BY MS. MOONEY: 17 Q. But he went by Jake, right. 18 W. Olatin, O-l-a-s-i-n? 19 A. No. 20 Q. Other than yourself, who would be the 21 most knowledgeable person about the constituents of 22 the waste streams generated at the Great Meadows 23 facility in 1976 and 1977? 24 (Objection) MR. BIEDRZYCKI: I'm going to object. 25 That's kind of an overbroad question and I think he's</p>	<p style="text-align: right;">Page 109</p> <p>1 of either Advanced Environmental Technology or 2 Envirotech Company? 3 A. Probably not specific day or anything, 4 but John Leuzarder had come to the plant, he worked 5 for whatever that landfill name was at the time, 6 Kin-Buc Gaess. And as I recall, he helped me take 7 some waste streams to that Kin-Buc and – 8 Q. He helped you take some, what do you 9 mean he helped you take some? 10 A. Helped us get, establish that as a 11 source to get rid of waste. Kin-Buc Landfill. Yeah, 12 Great Reynolds. 13 Q. Okay, do you recall when that was that 14 he was doing that? 15 A. No. 16 Q. Was it pre-1976? 17 A. Yes, yes. So, anyway, I got to know 18 John pretty good and he had told me that landfill was 19 getting over taxed by far with waste. And you do 20 know this was a time period when chemical wastes were 21 handled by garbage people? It was a new thing, 22 getting rid of chemical waste. So John was a big 23 help to me in that area and then he came back 24 sometime shortly thereafter and said that he was 25 starting up Envirotech and even told me why they</p>

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1 changed it to Advanced, there was another Envirotech
2 somewhere that complained, I guess, so they had to
3 put Advanced on the front of it. And so he worked
4 with me a lot in waste disposal. He was very good to
5 me.

6 Q. Did he call you up or did he -- how did
7 you find out --

8 A. He came to the plant.

9 Q. He came to the plant?

10 A. Yeah, he came to the plant.

11 Q. To tell you that he had started a new
12 company?

13 A. One of his visits, yeah.

14 Q. So he was coming to the plant
15 regularly --

16 A. Yes.

17 Q. -- in the -- when did he start coming to
18 the plant regularly?

19 A. I don't know but it was certainly before
20 '76.

21 Q. So on one of his regular visits he came
22 to the plant and told you that he started this new
23 company; is that right?

24 A. Well, first of all he had told me that
25 he was thinking of starting his own company. And

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1 A. Well, I guess the first thing he said
2 about it -- first of all, I think he handled it a
3 couple locations, trying things out, I don't know
4 whether he took it to Modern, this is a long time
5 ago, I'm not --

6 Q. No, I understand.

7 A. I'm not sure of the progression. The
8 bottom line is that he came at some point and
9 mentioned DeRewal and that he thought he could get
10 rid of the acid.

11 Q. Do you know if the first time he came to
12 you and told you that they had started -- he had
13 started a new company, did he tell you about DeRewal
14 at that meeting, if you recall, or some later
15 meeting?

16 A. No, it would have been later.

17 Q. Later, okay.

18 Had you asked him to find someone who
19 can -- who could dispose of the acid waste stream?

20 A. Oh, I don't know exactly what
21 transpired. He knew, he knew of that stream and that
22 it was a problem with to get rid of.

23 Q. Is it your recollection that he had a
24 prior relationship with DeRewal before he started
25 handling Ashland's waste stream?

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1 then he came, said they did and went on from there.

2 Q. And when he told you that did you then
3 immediately switch your -- what happened after he
4 told you that with the waste streams that Ashland was
5 generating?

6 A. Oh, I don't know exactly what went or
7 how. Obviously our main streams were from the CDN
8 process. And he was -- he began working on some way
9 of getting rid of that.

10 Q. Was that something, the CDN waste
11 stream, was that something that you were having
12 problems finding --

13 A. Yes.

14 Q. -- a disposer for?

15 A. Yes.

16 Q. And why was that?

17 A. It was a tough waste, you know, all that
18 acid, it's not the easiest thing to get rid of.
19 Kin-Buc had been putting it on the landfill and as I
20 recall they were having problems because of the fumes
21 as they were putting it, pouring it on the landfill
22 the fumes coming out, so. It's a major problem
23 getting rid of that stream.

24 Q. So did Mr. Leuzarder tell you that he
25 could handle this waste stream at that time?

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1 A. No.

2 Q. He did not?

3 A. Not that I know of, no.

4 Q. Do you know how long after he told you
5 that he started this new company that he brought
6 DeRewal, that DeRewal became affiliated with him?

7 A. No, no.

8 (Objection) MR. SABINO: Objection to the use of
9 the word affiliated.

10 BY MS. MOONEY:

11 Q. How did -- was Mr. Leuzarder the primary
12 contact for -- between Ashland and AETC?

13 A. Repeat.

14 Q. Let me restate. Strike that.

15 Was Mr. Leuzarder your primary contact
16 with AETC?

17 A. Yes.

18 Q. Did you have contact with anyone else
19 from AETC at any point?

20 A. Yes.

21 Q. And who did you have contact with?

22 A. Well, I met Bob Landmesser. There were
23 other representatives along the way that would come
24 in. Read one of them in one of those memos, Debbert
25 I think his name was.

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1 Q. Was that Debbert Eckhardt?
 2 A. Yeah.
 3 Q. Does that ring a bell?
 4 A. Yes. And there may have been another
 5 one or two, you know, I'm not sure, because as John
 6 got busy other people got involved with us directly.
 7 Q. How was it, can you describe, you know,
 8 how AETC started handling Ashland's waste streams,
 9 how did it come about?
 10 A. I just guess that --
 11 Q. Don't guess.
 12 A. -- John probably came to the plant
 13 looking for business, you know, for Kin-Buc and we
 14 did do some business with him.
 15 Q. Did you -- after Mr. Leuzarder told you
 16 that Kin-Buc was no longer an option for your CDN
 17 waste, did AETC immediately start handling that waste
 18 or someone else?
 19 A. I don't know. I don't remember the
 20 chronology.
 21 Q. When AETC -- well, what waste streams
 22 did AETC handle for Ashland?
 23 A. Pretty much all of them. He was my main
 24 source of getting rid of waste at that time period.
 25 Q. Would that include the CDN waste

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1 streams, the spent acid and the wastewater?
 2 A. Yes. Yes.
 3 Q. How about the phthalide acid waste?
 4 A. Yes.
 5 Q. The dye solvent waste?
 6 A. Probably not. I'm not sure who he dealt
 7 with with the solvent waste, but mostly they went for
 8 incineration, that chemical control outfit that had
 9 the incinerator down, somewhere down that way, they,
 10 I believe, handled a few of the loads of waste
 11 solvents.
 12 Q. Do you recall the -- well, did you have
 13 a written agreement with AETC to handle Ashland
 14 waste?
 15 A. To the best of my knowledge, no.
 16 Q. Did you have an oral agreement?
 17 A. What is an oral agreement?
 18 Q. You know, did you verbally agree to some
 19 set of circumstances that AETC would handle the
 20 disposal of Ashland's waste?
 21 A. Well, we never limited ourself to just
 22 AETC, if that's what you mean.
 23 Q. No, that's not what I mean.
 24 What I mean is did Ashland and AETC
 25 agree on certain terms for AETC's handling of

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1 Ashland's waste?
 2 A. Yes.
 3 Q. And was that in a written document or
 4 was it a verbal agreement?
 5 A. There were written agreements.
 6 Q. There were written agreements?
 7 A. Yes, I would think it was in writing,
 8 yeah.
 9 Q. Do you remember the terms of the writ --
 10 of the agreement?
 11 A. No, I can't say that I do.
 12 Q. Did -- when AETC first started handling
 13 Ashland's waste, did you talk about payment, how much
 14 it would cost?
 15 A. Yes.
 16 Q. And what did you discuss in that regard?
 17 (Objection) MR. BIEDRZYCKI: Object to the form.
 18 Assumes that he had the discussion about pricing with
 19 somebody from AETC.
 20 BY MS. MOONEY:
 21 Q. Did you have a discussion with --
 22 A. Generally, no.
 23 Q. About pricing with AETC?
 24 A. I did have. Harold Sullivan also got
 25 involved being our marketing man.

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1 Q. How were you involved in the agreement
 2 with AETC to handle Ashland's waste?
 3 A. Well, because of my involvement with
 4 John Leuzarder.
 5 Q. And -- but how were you involved; did
 6 you have the authority to pick AETC to handle
 7 Ashland's waste?
 8 A. Within reason, yes, yes.
 9 Q. And what was Harold Sullivan's
 10 involvement in that regard with AETC?
 11 A. Price. Price. Yeah. He wasn't worried
 12 particularly about environmental problems, he was
 13 strictly price, how it would affect the profit of the
 14 products.
 15 Q. So did Mr. Sullivan have ultimate
 16 authority on the price that Ashland would pay AETC?
 17 A. Well, I don't understand that question.
 18 Q. Okay. Let me rephrase it.
 19 Did you have to get Mr. Sullivan's
 20 approval for the price that Ashland would pay AETC to
 21 dispose of his waste?
 22 A. Well, we didn't have a whole lot to say
 23 about it. Somebody come in and said, we'll take your
 24 acid and charge you that much and if there was any
 25 negotiating, it would be -- it would have been

30 (Pages 114 to 117)

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1 Harold.
 2 Q. Do you recall, how – did you negotiate
 3 the price with AETC for its handling of Ashland
 4 waste?
 5 A. Harold would have.
 6 Q. Harold did?
 7 A. Yes.
 8 Q. Did he negotiate that price with them?
 9 A. Oh, mostly John would give us a price
 10 and that was it. If Harold, you know – I don't know
 11 what – Harold would have met with him separately and
 12 whether he said we can't afford this or not, I don't
 13 know.
 14 Q. Was – were there any other terms of the
 15 agreement that Ashland had with AETC with regard to
 16 its waste disposal, such as identity of the waste
 17 hauler, was that discussed?
 18 A. Not to my knowledge, no.
 19 Q. Did you ever discuss with –
 20 A. No.
 21 Q. – John or anyone else from AETC who
 22 would be disposing of the Ashland waste through AETC?
 23 A. Not really. The only thing, the only
 24 thing I would hedge it on would be we were all aware
 25 of the hazardous of this stuff so that we would want

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1 to make sure it was handled in the proper truck and
 2 with the proper trained people and whatnot, yes. But
 3 that would have been the only way we would get
 4 involved with the trucking. Because of the dangers
 5 involved.
 6 Q. Right. Did you discuss those things
 7 with AETC or anyone else?
 8 A. Yeah, I'm sure I did. Because we were
 9 all concerned about it, this acid rolling on the
 10 road.
 11 Q. So how does that relate to the identity
 12 of the waste hauler? I mean I asked you if you
 13 discussed the identity of the waste hauler and you
 14 said only insofar as –
 15 A. It was more – it would really involve
 16 the type of equipment to be used. I have a faint
 17 recollection that a couple of the proposed vehicles
 18 that would deem it not acceptable. These trailers
 19 were acid hauling trailers. They were only 3,000
 20 gallons because of the weight and everything and as I
 21 recall it was a time when they wanted to haul in a
 22 regular tanker and we were against it.
 23 Q. Do you know who wanted to haul in a
 24 regular –
 25 A. No.

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1 Q. – tanker?
 2 A. No, just a vague recollection of mine.
 3 Q. Did you personally ever choose a waste
 4 hauler that AETC used for the disposing of Ashland
 5 waste?
 6 A. I don't know.
 7 Q. Did you have any relationship whatsoever
 8 with DeRewal or DeRewal Chemical or Environmental
 9 Chemical Control?
 10 A. Absolutely not.
 11 Q. Did Ashland have a direct agreement with
 12 DeRewal or DeRewal Chemical or –
 13 A. To the best of my knowledge, no.
 14 Q. Let me finish my question, please,
 15 before you answer me because –
 16 A. Sorry about that.
 17 Q. It's okay.
 18 Did you discuss with Mr. Leuzarder or
 19 anyone else from AETC the qualifications of the waste
 20 haulers that would be used to haul Ashland waste?
 21 (Objection) MR. SABINO: Objection. You haven't
 22 defined what you mean by qualifications.
 23 BY MS. MOONEY:
 24 Q. If you understand.
 25 A. Only to the extent that I mentioned

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1 before.
 2 Q. Type of vehicle?
 3 A. About the truck, type of vehicle, yes.
 4 Q. What about knowledge about the chemical
 5 properties of the waste streams, did you discuss that
 6 with AETC?
 7 A. We certainly made it known, the type of
 8 material it was, how it should be handled.
 9 Q. Did you communicate to AETC in any way
 10 that you wanted the waste hauler it used for its
 11 waste or Ashland's waste to be qualified in any
 12 particular way, licensed by the state, for example?
 13 A. Licensed by the state, I draw a blank on
 14 that one. But we encouraged them to have the acid
 15 handling clothing, goggles and the gloves for
 16 handling acids.
 17 Q. Did you ever provide samples of Ashland
 18 waste streams to AETC?
 19 A. I'm sure I did.
 20 Q. You're sure you did?
 21 A. Yeah. On more than one occasion.
 22 Q. Was there – were there special safety
 23 concerns with providing samples of the CDN spent acid
 24 waste? Was it difficult to provide a sample of that?
 25 (Objection) MR. SABINO: Objection, compounded.

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1 A. Not to my knowledge, no.
 2 Q. It was -- well, can you describe in any
 3 other way the agreement that you had with -- that
 4 Ashland had with AETC for the handling of its waste
 5 streams? What was the agreement?
 6 A. They handled our streams at a certain
 7 cost that they provided to us.
 8 Q. And that's it, that's all you can
 9 recall?
 10 A. It was open-ended in that respect.
 11 Q. Did -- do you recall AETC telling you
 12 where Ashland's waste would be disposed of?
 13 A. Yes.
 14 Q. Where did they tell you it would be
 15 disposed of?
 16 A. Well, each individual, whenever John
 17 handled waste for me, he'd usually tell me where it
 18 was going.
 19 Q. John himself would call?
 20 A. Leuzarder.
 21 Q. Would he call you?
 22 A. Or on a visit to the plant, you know.
 23 In other words, the dye waste he would tell me it's
 24 going to maybe Modern Transportation. Phthalide
 25 acid, I don't remember where anymore, but phthalide

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1 acid would go here.
 2 Q. Did AETC ever tell you that the waste
 3 that it handled for you would be disposed of legally?
 4 A. Is that a loaded question?
 5 (Objection) MR. SABINO: Objection to the question.
 6 You haven't defined what legally means.
 7 BY MS. MOONEY:
 8 Q. Do you understand my question?
 9 A. He never told me that it would be
 10 disposed of illegally.
 11 Q. What I'm trying to get at, did he ever
 12 make a representation that AETC would make sure that
 13 your waste was disposed of legally?
 14 A. That was understood.
 15 Q. Okay, fair enough.
 16 Did AETC ever tell you that it would
 17 take certain, any steps to insure that your waste was
 18 handled properly?
 19 (Objection) MR. SABINO: Objection to the use of
 20 the word property.
 21 THE WITNESS: Spell that out.
 22 BY MS. MOONEY:
 23 Q. Did AETC ever tell you that it would
 24 be -- strike that.
 25 What did -- did AETC ever describe the

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1 oversight it had over the haulers that it used for
 2 Ashland's waste?
 3 (Objection) MR. SABINO: Objection.
 4 THE WITNESS: I don't recall.
 5 BY MS. MOONEY:
 6 Q. Okay. Do you recall the name
 7 Wissinoming?
 8 A. Yes.
 9 Q. And how do you recognize that?
 10 A. Had to jog my memory, yeah.
 11 Q. How do you recognize that name?
 12 A. Well, it's apparently the name of the
 13 site in Philadelphia where the acid was being
 14 disposed of.
 15 MR. BIEDRZYCKI: Was being what, where
 16 the acid was being disposed of did you say?
 17 THE WITNESS: Yeah.
 18 MR. BIEDRZYCKI: Okay.
 19 BY MS. MOONEY:
 20 Q. Did you ever visit the Wissinoming site?
 21 A. Yes, one time.
 22 Q. Can you describe how that visit came
 23 about?
 24 A. Yeah, I asked John to let me see this
 25 facility and it took a while before he did let me go

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1 down and see it because I -- knowing the nature of
 2 this waste, you know, I was a little concerned that
 3 it was being handled properly. Eventually we did go
 4 down there and look it over.
 5 Q. Did -- what did you see there when you
 6 went to the facility?
 7 A. It's a long time ago. They had a setup
 8 where they could inject a lime slurry into the
 9 circulating stream of the acids and neutralize it.
 10 And they had a tank set there, they had a truck that
 11 brought the acid in. And I was only so so impressed
 12 at what the capability of handling the acid but at
 13 least they had a facility to handle it.
 14 Q. Had, to your knowledge, had Ashland's
 15 spent acid waste already been sent to the Wissinoming
 16 facility before your visit?
 17 A. Yes.
 18 Q. Did you have any discussions about the
 19 Wissinoming facility with John or Leuzarder or anyone
 20 else from AETC after your visit?
 21 A. I don't recall. I'm sure we did, but I
 22 don't really know for sure.
 23 Q. Did you -- strike that.
 24 Do you know who chose the Wissinoming
 25 facility for the disposal of Ashland waste?

33 (Pages 126 to 129)

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1 A. Who chose it?
 2 Q. Yes.
 3 A. Well, I assume it was DeRewal.
 4 Q. How — can you describe how DeRewal
 5 became involved in your relationship with AETC?
 6 When's the first time you heard the name DeRewal?
 7 A. It would have been from John Leuzarder.
 8 Q. And do you know how he brought up the
 9 name to you, in what context?
 10 A. Well, he knew we were looking for a
 11 place to dispose of the acid, you know, it was a big
 12 stream, you know, potential profitable stream to get
 13 rid of and how we met him and how we — that's his
 14 business but he came to me and said he might have a
 15 site for getting rid of your acid.
 16 Q. Was that the first time that you had
 17 ever heard of DeRewal?
 18 A. Yes.
 19 Q. Do you know — had Ashland, to your
 20 knowledge, ever had a relationship with DeRewal prior
 21 to your agreement with AETC?
 22 A. Not to the best of my knowledge.
 23 Q. Do you know who would know if you did
 24 before AETC came along?
 25 A. I would have no idea.

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1 Q. Did you ever visit the Boarhead Farm
 2 site?
 3 A. I believe. I don't know which site
 4 we're talking about, but —
 5 Q. Well, did you ever visit —
 6 A. Were there Appaloosa horses there?
 7 Q. You tell me.
 8 A. 'cause where I visited there were.
 9 Q. Can you tell me about that visit?
 10 A. Well, it was to meet the man, find out
 11 about him and see what he could do with the acid
 12 stream.
 13 Q. Was this before or after your
 14 Wissinoming visit?
 15 A. Oh, it was before.
 16 Q. Do you recall any details of your trip
 17 to the farm?
 18 A. The Appaloosas.
 19 Q. That's a pretty specific detail. Did
 20 you ride the Appaloosas?
 21 A. No. The — they had like a hunting
 22 lodge or something there where we sat in and talked.
 23 But a lot of it is vague anymore as to the site, you
 24 know, I don't really recall a whole lot anymore. But
 25 we were sitting down in a place that reminded me of a

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1 hunting lodge anyway somewhat talking things over.
 2 Q. And what did you talk about, if you
 3 recall?
 4 A. Well, don't remember a lot of it but
 5 DeRewal tried to explain to us what his business was
 6 and what he had been doing and he had grandiose ideas
 7 of what he could do for us. He was in the metals
 8 recovery business apparently and basically that's all
 9 that I remember anymore.
 10 Q. How was the Ashland waste related to
 11 metals recovery, how would it —
 12 A. It wasn't.
 13 Q. It wasn't.
 14 MR. BIEDRZYCKI: Thanks. I was going
 15 to object but I'll withdraw it. Withdraw the
 16 objection I didn't make.
 17 THE WITNESS: In other words, he came
 18 off as an ambitious man looking to do some business.
 19 MR. BIEDRZYCKI: There was no question.
 20 BY MS. MOONEY:
 21 Q. Do you recall any of the people who
 22 worked for DeRewal who would come to pick up
 23 Ashland's waste stream?
 24 A. No.
 25 Q. Did you ever have any contact with any

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1 of those people, to your knowledge?
 2 A. No.
 3 Q. Do you know who did?
 4 A. Jake Young would have.
 5 Q. He was the shipping supervisor?
 6 A. Yes.
 7 Q. Can you describe the documents that were
 8 associated with AETC's hauling of Ashland's waste, in
 9 other words, did you generate a bill of lading?
 10 A. Yes.
 11 MR. BIEDRZYCKI: When you say you now
 12 you're referring to Ashland or —
 13 MS. MOONEY: Ashland.
 14 MR. BIEDRZYCKI: — or Mr. Curley?
 15 MS. MOONEY: Ashland.
 16 MR. BIEDRZYCKI: Okay.
 17 THE WITNESS: Yes.
 18 BY MS. MOONEY:
 19 Q. Did Ashland generate a bill of lading?
 20 A. Yes.
 21 Q. What was your involvement with that, if
 22 any?
 23 A. None.
 24 Q. Who was involved with that?
 25 A. Jake.

34 (Pages 130 to 133)

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1 Q. Okay. Do you know in what increment
2 AETC charged Ashland for the disposal of its waste?
3 In other words, did it charge by load or by week, by
4 month?
5 MR. BIEDRZYCKI: Or by gallon?
6 THE WITNESS: By gallon probably.
7 BY MS. MOONEY:
8 Q. By gallon?
9 A. Yeah.
10 Q. After Ashland agreed that AETC would
11 handle its waste streams, did you have regular
12 communications with AETC after that time?
13 A. Say again, my mind drifted.
14 Q. Did, after you made your agreement with
15 AETC for them to handle Ashland's waste streams, did
16 you have regular communications with anyone from AETC
17 after that point after the initial agreement was
18 formed?
19 A. I'm sure we did, you know, I don't
20 recall what or how or when but –
21 MR. BIEDRZYCKI: That's all right,
22 you've answered.
23 BY MS. MOONEY:
24 Q. Did Mr. Leuzarder make regular trips to
25 Ashland after that point?

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1 A. I'm not sure.
2 Q. Do you know when AETC stopped handling
3 Ashland's waste?
4 A. When it was determined that they were
5 putting some of the stuff directly into the river.
6 Immediately stopped.
7 Q. Did AETC handle Ashland's waste after
8 that time?
9 MR. BIEDRZYCKI: Which waste are we
10 talking about?
11 MS. MOONEY: Any.
12 THE WITNESS: I'm sure, I'm sure the
13 dye waste and those things John still handled. It
14 escapes me exactly what happened with the acid waste
15 after that. The short term, we're talking your
16 short – this is '76-'77, right?
17 BY MS. MOONEY:
18 Q. No, I'm talking after. Let me go back.
19 When did AETC stop handling Ashland
20 waste?
21 A. I don't know the date.
22 Q. Was it sometime the 1980s, was it
23 sometime in the 1980s?
24 A. Go back again, I lost the question.
25 Q. Okay.

Page 136

1 MR. BIEDRZYCKI: She's talking about
2 any waste at any time after '76, '77.
3 BY MS. MOONEY:
4 Q. Yeah. Did AETC continue to handle
5 Ashland's waste after the time that you talked about
6 where that you found out it was dumped in the river?
7 A. Yes.
8 Q. They did.
9 Until when, do you remember until when
10 they did that?
11 A. No.
12 MS. MOONEY: Why don't we take a break
13 now and when we come back I'll just go over some
14 documents with you. Okay?
15 (Brief recess.)
16 (Exhibit Curley-1, 2-page Letter dated August
17 3, 1976, Bates stamped ASHL 00002-00003, marked for
18 I.D.)
19 BY MS. MOONEY:
20 Q. Mr. Curley, I'm going to show you a
21 document that's marked Exhibit Curley-1. Could you
22 just look over that for a moment. Do you recall
23 receiving –
24 MR. BIEDRZYCKI: I don't think he's
25 done yet. Did you look at page two?

Page 137

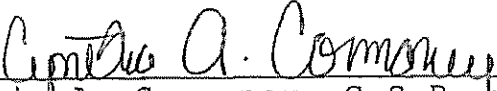
1 THE WITNESS: Yeah.
2 MR. BIEDRZYCKI: I'm sorry.
3 BY MS. MOONEY:
4 Q. You done?
5 A. Yeah.
6 Q. Do you recall receiving this document?
7 A. What?
8 Q. Do you recall receiving – did you
9 receive this document, to your recollection?
10 A. I'm sure I did.
11 Q. Is that your handwriting in the upper
12 left-hand corner here?
13 A. I think so. Yes.
14 Q. Do you know why these names are written
15 in the upper left-hand corner?
16 A. Interested parties.
17 Q. Do you recall that these people were
18 cc'd on this document? Did you copy this document to
19 these people?
20 A. Apparently, yes.
21 Q. Down in the middle of this first page –
22 first of all, do you know what this is, this
23 document?
24 A. Do I know what the document is?
25 Q. Yes.

35 (Pages 134 to 137)

C E R T I F I C A T E

I, Cynthia A. Cormaney, a Notary Public
and Certified Shorthand Reporter of the State
of New Jersey and a Commissioner of Deeds of
the State of Pennsylvania, do hereby certify
that the foregoing is a true and accurate
transcript of the testimony as taken
stenographically by and before me at the time,
place and on the date hereinbefore set forth.

I do further certify that I am neither a
relative nor employee nor attorney nor counsel
of any of the parties to this action, and that
I am neither a relative nor employee of such
attorney or counsel and that I am not
financially interested in this action.


Cynthia A. Cormaney, C.S.R.
Notary Public, State of New Jersey
My Commission Expires July 24, 2006
Certificate No. XI01116

.....
.....
EXHIBIT 4

ADVANCED ENVIRONMENTAL TECHNOLOGY, INC.
THE ENVIROTECH COMPANY

P.O. Box 152 • Milltown, New Jersey 08850 • (201) 238-0020

August 3, 1976

Mr. Art Curley
Plant Manager
Ashland Chemical Co.
Alphano Road
Great Meadows, New Jersey 07838

Dear Art,

"Enviro-tech" is pleased to provide pricing on your various waste streams as described. We and the firms we represent offer the following (fully state approved) services:

- A) Waste destruction - Thermal Oxidation
- B) BTU Recovery - Solvent-fuel program
- C) Waste processing- acid neutralization, Industrial waste water treatment etc.
- D) Declamation - metals etc.
- E) Resale of materials.

"Enviro-tech's" licensed haulers certifications are - Public Utility Commission - 7011R-61, and D.E.P. - N.J.B.S.W.M. 02456003. We have attached a certificate of insurance (1.3 million dollar umbrella coverage) for your files.

All materials handled by "Enviro-tech" will be processed or destroyed at approved sites under their individual permit numbers. Materials for BTU recovery, reclamation or resale are not required to conform to Chapter 8 requirements and we will be happy to discuss these facilities with you. Please note that all following prices must be confirmed after one trial load of each stream.

Bulk Streams

A) Mixed acid - CDN (Code number AC-MA-1) Concentrated containing 83% H₂SO₄, 3.5% HNO₃, 10% H₂O with organics including 1-2% CMB. *4473 g/gal* *REV 3/94/12750*

Price: ~~4747~~ gallon x 2850 gal = \$1339.50 per load.

B) Water layer - CDN (Code AC-WL-2) Aqueous stream containing phosphates, organics etc., C.O.D. - 17,983 --- 5000 gal. per load.

Price:

a) ~~Aqueous~~ treatment at Modern Transportation, South Kearny - 19.5¢/gal. x 5000 gal = \$975.00/load.

b) As lime slurry - make up water at Environmental Control, Philadelphia, Pa. - 9.5¢/gal. x 5000 gal. = \$475.00/load. *0875 g/gal*

C) Dye Mother Liquors (Code AC-ML-3) Aqueous containing miscellaneous polymers, salts, acetates, sulfates, amines etc. (P-154, P-153, DNTA, 4 NITRO ML, NPD, NDAPA, P-109)

Price:

a) Aqueous treatment - Modern; 17¢/gal. x 5000 gal. = \$850.00/load.

b) As lime slurry make-up - E.C.C.; ~~9.5¢~~ gal. x 5000 gal. =

DR \$475.00/load. *83/44*

DEPOSITION
EXHIBITEXHIBIT# *Leuzander-4*
DATE *11/29/04* REP. LDF

AETG176

THE ENVIROTECH COMPANY

P.O. Box 152 • Milltown, New Jersey 08850 • (201) 238-0020

D) Solvent Wastes - (Code AC-SW-4) including ammonium benzoate M.L. (93% methanol, 7% ammonium benzoate) etc. - 5500 - 6000 gal. per load.

Price: 10¢/gal. x 5500 gal. = \$550.00/load.

E) Phthalide acid layer (Code AC-PA-5), 1.5% H_2SO_4 , 32% Na_2SO_4 , approximately 4000 gallons per load.

Price: 17.5¢/gal. x 4000 gal. = \$700.00/load.

F) Aluminum Chloride - Dipan water layer (Code AC-AC-6) 14% $ALCL_3$, 1% HCL, 3% $ALSO_4$, 10% Polymer and water - 9.4 lbs./gallon.

Price: To be quoted upon request.

Drum Wastes (80 drum load requested where possible)

A) Phthalide acid (Code AC-PA-5D) \$25.00/drum

B) Drummed liquids (pourable) including:

1) solvents (Code AC-S-7D) \$9.00/drum

2) Dye Mother Liquors (AC-ML-3D) \$9.00/drum

C) Drummed solvents pumped with vacuum truck. Require 45 drums for pumping. Ashland to assist driver in removing bungs etc. (drums to remain property of Ashland) \$7.00/drum

D) Drummed solids and non-pourable semi-solids including:

1) Diphenylacetonitrile - Tar (non-flammable) (Code - AC-DT-8D) \$14.50/drum

2) Toluene residues - Tar (Code AC-TR-9D) \$14.50/drum

E) Miscellaneous materials in drums including:

1) Phenolic resins

2) CDN - acid

3) Zink oxide

4) Other toxic, alkaline or acids etc. to be quoted upon request.

We are prepared to begin servicing Ashland upon notice to proceed.

I am "on call" to assist as necessary.

Sincerely,

John Leuzard
John Leuzard

EXHIBIT 5

EXHIBIT

Landmesser-5
12/28/04 105

April 14, 1977

Mr. Robert Landmesser
Advanced Environmental Technology Corp.
97 West Hanover Avenue
Randolph, NJ 07801

Dear Bob:

Please consider this letter as confirmation of our many recent phone discussions regarding A.E.T.C. and their ability to continue to be DIAZ CHEMICAL's primary source for disposal of our waste nitration acid.

We feel the composition of our by-product acid is unchanged from earlier communications and is about 83% H_2SO_4 , 3 ± 2% HNO_3 , 12% H_2O and contains some organic matter.

Pending your successful negotiations with Modern Disposal, I would visit the Jersey area early the week of April 18th at a time agreeable to all parties.

Thanking you for reliable service in the past and in anticipation of continuing service, we remain;

Very truly yours,

DIAZ CHEMICAL CORPORATION

H. D. Hollwedel
Vice President

RDH:db

cc: Mr. John Wengryn, Modern Disposal

BSAJ029272

.....
.....
EXHIBIT 6

EXHIBIT

Landmesser-6
12/28/04 DKORIGINAL
(Red)Advanced Environmental Technology Corp.
97 West Hanover Avenue
Randolph, New Jersey 07801

No. 002382

Sold To

Diaz Chemical

P.O. Box 194

Holley, New York 14470

Shipped To

A.E.T.C.

DATE

March 7, 1977

CUSTOMER'S ORDER

977

SALESMAN

RWL

TERMS

N/10

F.O.B.

SHIPPED VIA

our truck

5	2900 gal. loads of waste acid	45¢/gal.	\$6525.00
TOTAL			\$6525.00

PAID

DIAZ CHEMICAL CORP.

DATE 3/16/77 BY 3695

Rediffma

75726

INVOICE

POLY PAK (50 SETS) 77720

BSAI029211